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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,449

01/16/2004

Chin-Jui Chang

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/759,449	Applicant(s) CHANG ET AL.	
	Examiner Marc A. Patterson	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
REPEATED REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1, 7, 11 – 13, 19 and 23 – 27 as being anticipated by Yokoyama et al (WO 97/294490), of record on page 2 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 2, 4 – 6, 14, 16 – 18 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486), of record on page 2 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) of Claims 3 and 15 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and further in view of Kawasaki et al. (U.S. Patent No. 5,782,730), of record on page 2 of the previous Action, is repeated.
4. The 35 U.S.C. 103(a) rejection of Claims 8 – 9 and 20 – 21 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and further in view of Rowland (U.S. Patent No. 4,692,475), of record on page 2 of the previous Action, is repeated.
5. The 35 U.S.C. 103(a) rejection of Claims 10 and 22 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and Kawasaki et al. (U.S. Patent No. 5,782,730) and Rowland (U.S. Patent No. 4,692,475) and Bagga (U.S. Patent No. 5,021,513), of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1, 7, 11 – 13, 19 and 23 – 27 as being anticipated by Yokoyama et al (WO 97/294490), 35 U.S.C. 103(a) rejection of Claims 2, 4 – 6, 14, 16 – 18 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486), 35 U.S.C. 103(a) of Claims 3 and 15 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and further in view of Kawasaki et al. (U.S. Patent No. 5,782,730), 35 U.S.C. 103(a) rejection of Claims 8 – 9 and 20 – 21 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and further in view of Rowland (U.S. Patent No. 4,692,475), and 35 U.S.C. 103(a) rejection of Claims 10 and 22 as being unpatentable over Yokoyama et al in view of Wycech (U.S. Patent No. 5,755,486) and Kawasaki et al. (U.S. Patent No. 5,782,730) and Rowland (U.S. Patent No. 4,692,475) and Bagga (U.S. Patent No. 5,021,513), of record on page 2 of the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 7 of the remarks dated June 22, 2007 that SBS is not a polystyrene.

However, as stated in the previous Action, SBS clearly contains polystyrene, and is therefore a polystyrene.

Applicant also argues, on page 8, that the 30% SBS disclosed by Yokoyama et al cannot be divided into three separate amounts.

However, as stated in the previous Action, because SBS is a polystyrene, and a block copolymer and a rubber, and therefore may be divided.

Applicant also argues, on page 9, that Yokoyama et al and Wycech are references from different fields.

However, Yokoyama et al is directed to a rubber composition, and it is unclear how the uses disclosed by Wycech are excluded by Yokoyama et al.

Applicant also argues, on page 10, that the claimed ranges of weight percent are not obvious in view of Yokoyama et al.

However, as stated on page 2 of the previous Action, the claimed ranges of weight percent are anticipated by Yokoyama et al.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 9/15/03
Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772